

ESTTA Tracking number: **ESTTA553765**

Filing date: **08/13/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208336
Party	Defendant Wanderlust Festival, LLC
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Submission	Other Motions/Papers
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Date	08/13/2013
Attachments	Wanderlust Motion to Suspend 336.pdf(101566 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SF MODE,	)	
	)	
	)	
v.                      Opposer,	)	Serial No.: 85628527
	)	Mark: <b>WANDERLUST LIVE</b>
	)	
WANDERLUST FESTIVAL, LLC,	)	Opposition No. 91208336
	)	
Applicant.	)	
	)	

**MOTON TO SUSPEND FOR GOOD CAUSE**

Pursuant to Trademark Rule 2.117(c), Applicant WANDERLUST FESTIVAL, LLC, hereby moves for suspension of this Opposition proceeding. Applicant submits that good causes exists for suspension.

Opposer's basis for this Opposition is Opposer's pending Application Serial No. 79/118,868 ("the '868 Application"), for the mark WANDERLUST. On December 19, 2012, a Non-Final Office Action was issued against the '868 Application, pursuant to Section 2(d) of the Trademark Act, based on prior registrations for the mark WANDERLUST owned by Applicant. Following a Response to the Office Action filed by Opposer on June 18, 2013, examination of the '868 Application was suspended by the examining attorney, on June 25, 2013, pending a determination of Applicant's pending application Serial No. 85468940 ("The '940 Application"), also for the mark WANDERLUST.

The '940 Application has received a Notice of Allowance, mailed December 18, 2012, but Applicant has not yet filed a Statement of Use. Applicant has filed a First Request for an Extension of Time to File a Statement of Use with respect to the '940 Application, which Request was approved on April 19, 2013.

Applicant believes that good cause exists for suspension of this Opposition, in that suspension will enable the parties to conserve time and expense while their respective pending applications are determined. Indeed, unless Opposer's suspended '868 Application matures into a registration, judgment cannot be legally granted in favor of Opposer in this proceeding. Yet, the suspended '868 Application will not be removed from suspension until such time as Applicant's own '940 Application matures into a registration, or is abandoned, which may not occur for some considerable time, given that Applicant still has the opportunity to file four additional Requests for Extension of Time to File A Statement of Use.

Accordingly, for the foregoing reasons, Applicant submits that good cause exists for suspending this Opposition proceeding.

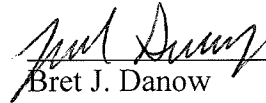
The parties have already held their discovery conference in this proceeding.

As this Motion embodies a brief pursuant to 37 C.F.R. §2.127(a), no separate brief is attached.

Dated: August 13, 2013

KATTEN MUCHIN ROSENMAN LLP

By:

A handwritten signature in dark ink, appearing to read "Bret J. Danow", is written over a horizontal line.

Bret J. Danow

Michael F. Sarney

575 Madison Avenue  
New York, New York 10022  
Tel: (212) 940-8698

Attorneys for Applicant

I, the undersigned, Michael F. Sarney, hereby certify that, on the 13<sup>th</sup> day of August, 2013, I caused to be served a true and correct copy of:

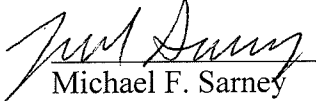
**MOTION TO SUSPEND FOR GOOD CAUSE**

**by U.S. Mail**, first class, by depositing the same in a depository of the United States

Postal Service, on:

Jeffrey P. Thennisch  
INGRASSIA FISHER & LORENZ  
7010 E. Cochise Road  
Scottsdale, ARIZONA 85253

Attorneys for Opposer

  
Michael F. Sarney